IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.710 OF 2007

Durai Chitambaram Tevar ..Applicant

Vs.

State of Maharashtra & Anr. ..Respondents

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Mr.A.P.Mundargi senior advocate with
Mr.Sk.Nayyam S.Shaikh with K.P.Sayyad
for applicant
Mr.Rajesh More A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : APRIL 11, 2007

P.C.

1. Leave to amend granted. Amendment to be carried out forthwith.

2. Heard Mr.Mundargi, the learned senior advocate for the applicant and the learned A.P.P. for the State.

3. The applicant is seeking bail in C.R.No.243 of 2006 of Bhandup Police Station. The said case is under Section 302 of IPC.

4. It is the prosecution case that the applicant along with two others assaulted Raja mechanic. It is further the prosecution case that at the time of the incident, the present applicant assaulted deceased by means of stone. It is seen that the first co-accused Chidambarm Tevar and his son Raja Tevar assaulted Raja mechanic by means of sharp weapons. At that time, the complainant intervened and told both these assailants that they should not assault Raja mechanic. Raja Tevar and his father Chidambaram continued to assault Raja mechanic. Thereafter, Raja mechanic managed to run away from the spot in an injured state. However, at that time, co-accused Chidambaram and his son Raja Tevar and the present applicant chased Raja mechanic and thereafter, all three of them assaulted him. At that time, the present applicant assaulted Raja mechanic by means of stone. Post mortem notes show one injury on left upper lip which can said to be attributable to assault with stone. It is seen that after the co-accused persons have assaulted Raja mechanic with sharp weapons, thereafter the applicant has assaulted Raja mechanic by means of stone. Moreover, thereafter, all the accused

picked up Raja Mechanic and threw him in the gutter. This act clearly shows that the applicant shared the common intention of the other accused. In view of these facts, I do not think that this is a fit case to grant bail.

5. Application is rejected.

[Smt. V.K.Tahilramani, J.]